

# FIDIC Claims Management of Claims and Resolution of Disputes

## Why Attend

- With all FIDIC contracts there will be claims. This training course is designed to provide practical assistance to those working with the FIDIC Contract Conditions (1999 and 2017 Editions) in the management of claims and achieving resolution to claims, and in particular the workings of the Dispute Adjudication Board.
- This practical 3-day training course, provided by a professional engineer with extensive international experience in claims and alternative dispute resolution, explains and illustrates contract management, claim management and dispute management under FIDIC Conditions of Contract for Construction (the “Construction Contract” or the “Red Book”) and the FIDIC Conditions of Contract for Plant and Design-Build (the “Design-Build Contract” or the “Yellow Book”).
- The course is designed to provide participants with a professional understanding of the responsibilities and rights of the Parties under a FIDIC Contract and the procedures to manage claims, where the resolution of claims will be achieved more successfully. Throughout the course, exercises and case studies are provided to guide participants in the application of the FIDIC Clauses.

## Course Methodology

- Throughout the course there are interactive discussions, case studies, videos, and stimulating question and answer sessions.

## Course Objectives

By the end of the course, participants will be able to:

- Understand the claim and dispute resolution procedures under FIDIC Conditions of Contract
- Recognize practical issues encountered on projects as to claims and disputes, and how to address those
- Summarize recent FIDIC case law and other authorities as to claims and dispute matters
- Apply practical/hands-on feedback and insights from an experienced FIDIC practitioner and a claims consultant
- Demonstrate the necessary knowledge, advice and insights in order to navigate through the FIDIC claim and dispute provisions on their projects

## Target Audience

- This course provides the necessary knowledge for professionals from Government Ministries and Agencies, Private Sector Employers, Consulting Engineers, Contractors, Construction Managers, Quantity Surveyors, Architects, Legal Advisers, Funding Agencies, Insurers, and all others involved with FIDIC Contracts.

## Target Competencies

- Contract Administration
- Claim Management
- Dispute Resolution
- FIDIC Contracts
- FIDIC Claims

### Introduction to FIDIC

- General Introduction
- Introduction to the FIDIC Contracts

### Managing Variations

- Variations covered by Clause 13 and related clauses
- Definition
- Initiation and instruction of variations
- Role of the Engineer
- FIDIC approach (Construction versus Plant and Design-Build Contract)

### The Management of Claims

- Claims: causes and risks
- Inherent project risks
- Allocation of risks under FIDIC contracts
- Analysis of contractual risk
- Notices and claims procedures
- Clauses requiring notice by the Contractor
- Employer's/Engineer's claims (Sub-Clause 2.5)
- Delegation by the Engineer (Sub-Clause 3.2)
- Contractor's claims (Sub-Clause 20.1)
- Notification of claims
- Contemporary records
- Preparation of claims
- Engineer's assessment and principles of claim
- Engineer's valuation
- Engineer's determination (Clause 3.5)

- Claims for delay
- Extension of time (Sub-Clause 8.4 and 8.5)
- Force majeure (Sub-Clause 19.4)
- Delay damages
- Claims for additional payment
- Ground conditions (Sub-Clause 4.12)
- Late possession (Sub-Clause 2.1)
- Breaches of contract
- Employer's financial claims
- Procedure
- Delay damages
- Defects in works and/or design
- Defects in work and design
- Retention and bonds

## The Responsibilities of the Main Parties

- General Issues
- The Employer
- The Engineer
- The Contractor
- Termination by the Employer
- Suspension and Termination by the Contractor
- Risk and responsibility
- Force majeure

## The Resolution of Disputes

- Dispute Adjudication Board (DAB) principles
- Types of DAB
- Guarantees and general obligations of the DAB
- Nomination of DAB
- Qualifications and selection of members
- Cost and Payments to the DAB
- Dispute Adjudication Board working
- Appointment Failure to agree Referral to the DAB
- Presentation of evidence to the DAB
- The DAB's decision
- Post-DAB decision processes
- Implementation
- Post-DAB mediation
- Enforcement
- Amicable settlement
- Arbitration

## Arbitrating Claims

- ICC Rules
- Selecting arbitrators
- Use of experts